

REMARKS/ARGUMENTS

Telephonic Communications/Interview/Discussion Summary

Applicants' representative and the Examiner exchanged telephonic communications on at least the following dates: 8/21/2008, 8/26/2008, 10/1/2008 and 10/2/2008.

If the Examiner believes that further information on the telephonic communications or discussions or interview(s) needs to be made of record to comply with the requirements of 37 CFR 1.133, Applicants request the Examiner to identify such further information.

Errors in the previous Amendment dated 3/31/2008

Applicants note that the claims 4, 6, 8 were marked as "Original" instead of "Currently amended" in the Applicants' amendment dated 3/31/2008. Applicants further note that the Examiner has entered the amendment dated 3/31/2008 in the office action dated 7/2/2008.

The Examiner is requested to note that Applicants have marked claim 4 as "Currently amended" in the current Amendment because amendments have been made to claim 4 to avoid antecedent basis errors. Applicants have canceled claims 6 and 8 in the current Amendment.

Claims are amended for expediting prosecution and the claims should be entered at least for the purposes of an appeal

In this Amendment, Applicants have amended method claim 1 to overcome at least the 35 U.S.C. 112 based rejections. Applicants have also provided arguments that Applicants believe overcome the 35 U.S.C. 103 based rejections. Applicants are not conceding that the subject matter encompassed by claim 1 or any other claims prior to this Amendment is not patentable for the reasons provided by the Examiner. Claim(s) were amended solely to facilitate expeditious prosecution of the pending claims. Applicant respectfully reserves the right to pursue previously presented claims, including the subject matter encompassed by claims prior to the current amendment and/or the original claims, and additional claims in one or more continuing applications.

The Examiner should enter the amended claims at least for the purposes of an appeal.

Claim Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected claims 1-8, 10-12 under 35 U.S.C. 112 second paragraph in the office action dated 7/2/2008, in response to the amendments made by the Applicants in the response dated 3/31/2008.

In response to the Examiner's reasons for the 35 U.S.C. 112 rejections, Applicants have amended independent claim 1, such that the previously presented requirements of “(iii) sending the response from the second device, wherein the response indicates that the second device does not consider the first device to be logged in to the second device, in response to determining that the first device is not the valid initiator to the second device, wherein the first device uses a PDISC Extended Link Service frame, a first LS_ACC frame, a first LOGO frame, and a first LS_RJT frame, wherein the second device uses a second LS_ACC frame, a second LOGO frame, and a second LS_RJT frame, and wherein any Input/Ouput (I/O) in progress in the second device is not disrupted in case a login of the first device to the second device is not needed,” have been amended to the following:

“(iii) sending the response from the second device, wherein the response indicates that the second device does not consider the first device to be logged in to the second device, in response to determining that the first device is not the valid initiator to the second device, wherein the second device uses a LOGO frame or a LS_RJT frame”.

Based on the Examiner's remarks in pages 2 and 3 of the Office Action the requirements “wherein the second device uses a LOGO frame or a LS_RJT frame” is supported in the Application by at least FIG. 5, Reference Numeral 510 that indicates “Second fibre channel adapters sends a LS_RJT frame or a LOGO frame,....,including an indication that the second fibre channel adapter does not consider the sender to be logged in.”

Applicants submit that amended claim 1 overcomes the Examiner's 35 U.S.C. 112 based rejections. No new matter has been added.

Claim Rejections under 35 U.S.C. 103)(a)

The Examiner has rejected claims 1-8, 10-12 under 35 U.S.C. 103(a) as being unpatentable over Frazier (US 6,609,165) in view of FC-FS (“Fibre channel Framing and

Signaling"). Applicants have amended independent claim 1 to overcome the 35 U.S.C. 112, second paragraph, based rejections, and canceled claims 6, 8 and traverse the rejections of claims 1-5, 7, 10-12.

Amended Independent Claim 1

Amended independent claim 1, is a method, comprising:

 determining, by a first device, a possibility of an invalidation of a second device, wherein the first device is coupled to the second device via a fabric;

 sending a query from the first device to validate the second device, in response to determining the possibility of the invalidation of the second device; and

 determining, at the first device, whether to continue I/O operations from the first device to the second device based on receiving a response to the query within a time period, wherein the method further comprises:

 (i) receiving the query at the second device, prior to determining, at the first device, whether to continue I/O operations from the first device to the second device;

 (ii) determining, at the second device, whether the first device is a valid initiator to the second device; and

 (iii) sending the response from the second device, wherein the response indicates that the second device does not consider the first device to be logged in to the second device, in response to determining that the first device is not the valid initiator to the second device, wherein the second device uses a LOGO frame or a LS_RJT frame.

The Examiner has rejected independent claim under 35 U.S.C. 103(a) as being unpatentable over Frazier in view of FC-FS. Applicants respectfully submit that the Examiner has failed to indicate where the cited Frazier or the cited FC-FS teach or suggest the claim requirements of :

 “(ii) determining, at the second device, whether the first device is a valid initiator to the second device; and

 (iii) sending the response from the second device, wherein the response indicates that the second device does not consider the first device to be logged in to the second device, in response to determining that the first device is not the valid initiator to the second device, wherein the second device uses a LOGO frame or a LS_RJT frame”.

Applicants submit that the Examiner has indicated that FC-FS discusses a device not being logged in, login conditions, PDISC, LOGO, LS_ACC, LS_RJT frames in pages 5 and 6 of the Office Action. However, the claims have the requirements of:

“(ii) determining, at the second device, whether the first device is a valid initiator to the second device; and

(iii) sending the response from the second device, wherein the response indicates that the second device does not consider the first device to be logged in to the second device, in response to determining that the first device is not the valid initiator to the second device, wherein the second device uses a LOGO frame or a LS_RJT frame”, and these requirements in combination with the other claim requirements are not taught or suggested by either the cited Frazier or the cited FC-FS.

For the above reasons, claim 1 is patentable over the cited art.

Dependent claims 2-5, 7, 10-12

The Examiner has also rejected pending claims 2-5, 7, 10-12 that depend on the pending independent claim 1. Applicants submit that these claims are patentable over the cited art because they depend from claim 1 which is patentable over the cited art for the reason discussed above, and because the combination of the limitations in the dependent claims 2-5, 7, 10-12 and the base and intervening claims from which they depend provide further grounds of distinction over the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney/agent of record invites the Examiner to contact him at (310) 557-2292 if the Examiner believes such contact would advance the prosecution of the case.

Dated: October 2, 2008

By: _____ /Rabindranath Dutta/ _____

Please direct all correspondences to:

Rabindranath Dutta
Konrad Raynes & Victor, LLP
315 South Beverly Drive, Ste. 210
Beverly Hills, CA 90212
Tel: (310) 557-2292
Fax: 310-556-7984

Rabindranath Dutta
Registration No. 51,010